

Hearing Date: October 7, 2025 at 10:00 a.m.

Opposition Deadline: August 29, 2025

Reply Deadline: September 26, 2025

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Attorneys for Defendants Maisonrouge and Simon

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

EQUILIBRE BIOPHARMACEUTICALS CORP.,

Debtor.

Chapter 7

Case No. 23-12099 (PB)

GREGORY M. MESSER, Solely in His Capacity as
Chapter 7 Trustee of the Estate of Equilibre
Biopharmaceuticals Corp.,

Plaintiff,

Adv. Proc. No. 25-01087 (PB)

v.

SAMUEL WAKSAL, individually, as the former
Chairperson, Chief Executive Officer, and President of
Equilibre Biopharmaceuticals Corp. Chairperson, and
Chief Executive Officer and President of Graviton
Bioscience Corporation, Graviton Bioscience Holding
Corporation, Graviton US Corp. (USA), and Graviton
Bioscience B.V., FRANCOIS MAISONROUGE, RUI
WU, PETER SIMON, GRAVITON BIOSCIENCE
CORPORATION, GRAVITON BIOSCIENCE
HOLDING CORPORATION, GRAVITON US CORP.
(USA), GRAVITON BIOSCIENCE B.V., BIHUA
CHEN,

Defendants.

**NOTICE OF DEFENDANTS
MAISONROUGE AND SIMON'S MOTION TO DISMISS**

PLEASE TAKE NOTICE that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as incorporated into this adversary proceeding pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure, defendants Francois Maisonrouge and Peter Simon, by and through their undersigned attorneys, hereby move this Court for an order dismissing the Complaint. The facts and points in support of this Motion to Dismiss are set forth in the contemporaneously filed Memorandum of Law and accompanying Declaration of Jonathan M. Wagner, Esq.

PLEASE TAKE FURTHER NOTICE that a hearing on this Motion has been scheduled for October 7, 2025 at 10:00 a.m. eastern time (the “Hearing”) before the Honorable Judge Philip Bentley, United States Bankruptcy Judge, United States Bankruptcy Court for the Southern District of New York.

PLEASE TAKE FURTHER NOTICE that the Hearing shall be conducted via Zoom. Participants are required to register their appearance by 4:00 p.m. the day before the Hearing at <https://ecf.nysb.uscourts.gov/cgi-bin/nysbAppearances.pl>.

PLEASE TAKE FURTHER NOTICE that any responses or oppositions to this Motion shall be filed by August 29, 2025 pursuant to the Court’s Order of May 23, 2025, ECF No. 11.

Dated: New York, New York
July 21, 2025

HERBERT SMITH FREEHILLS KRAMER (US)
LLP

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HOLDING CORPORATION, GRAVITON US CORP.
(USA), GRAVITON BIOSCIENCE B.V., BIHUA
CHEN,

Defendants.

**DEFENDANTS MAISONROUGE AND SIMON'S
MOTION TO DISMISS AND PROPOSED ORDER**

Defendants Francois Maisonrouge and Peter Simon (together, “Defendants”), by and through their undersigned attorneys, bring this Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, as incorporated into this adversary proceeding pursuant to Rule 7012 of the Federal Rules of Bankruptcy Procedure. The facts and argument in support of this Motion are set forth in the contemporaneously filed Memorandum of Law, accompanying Declaration of Jonathan M. Wagner, Esq., and documents attached thereto.

WHEREFORE, Defendants respectfully request that the Court dismiss all claims against Defendants in the Complaint with prejudice for failure to state a claim upon which relief can be granted pursuant to Rule 12(b)(6). A proposed order is attached hereto as Exhibit A.

Dated: New York, New York
July 21, 2025

HERBERT SMITH FREEHILLS KRAMER (US)
LLP

/s/ Paul H. Schoeman

Paul H. Schoeman

Jonathan M. Wagner

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Attorneys for Defendants Maisonrouge and Simon

Certificate of Service

I hereby certify that copies of Defendants' Motion to Dismiss, Notice of Motion to Dismiss, Memorandum of Law in Support of Motion to Dismiss, and Declaration of Jonathan M. Wagner Esq. were served electronically on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email addresses registered with the Court.

Dated: New York, New York
July 21, 2025

HERBERT SMITH FREEHILLS KRAMER (US)
LLP

/s/ Paul H. Schoeman

Paul H. Schoeman

Jonathan M. Wagner

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Exhibit A

Proposed Order

**UNITED STATES BANKRUPTCY COURT
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CHEN,

Defendants.

**[PROPOSED] ORDER GRANTING DEFENDANTS
MAISONROUGE AND SIMON'S MOTION TO DISMISS**

Upon consideration of Defendants Maisonrouge and Simon's ("Defendants") Motion to Dismiss, filed on July 21, 2025, and all opposition thereto, and all other proceedings on the record with respect to the Motion, the Court will grant the Motion as follows:

IT IS HEREBY ORDERED THAT Defendants' Motion to Dismiss is **GRANTED** and all claims against Defendants are hereby **DISMISSED WITH PREJUDICE**.

Dated: _____

Honorable Philip Bentley
United States Bankruptcy Judge